

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

LAFI JAFARI, an individual,

and

MM&L INTERNATIONAL
CORPORATION,

Plaintiffs,

v.

HOUSING AUTHORITY of the CITY OF
OMAHA, a governmental subdivision of the
State of Nebraska,

Defendant.

Civil Action No. _____

District Court for Douglas County
Case No. CI-17 0008593

NOTICE OF REMOVAL

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TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF NEBRASKA

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Housing Authority of the City of Omaha (the “Housing Authority”), hereby files this Notice of Removal for the purpose of removing the action docketed at Case No. D01CI170008593 in the District Court of Douglas County, Nebraska (the “Action”), to the United States District Court for the District of Nebraska.

In support of this Notice of Removal, the Housing Authority states as follows:

CASE BACKGROUND AND FOUNDATION FOR REMOVAL

1. On October 5, 2017, the Plaintiffs, Lafi Jafari and MM&L International Corp., filed the Action against the Housing Authority. The Complaint for Declaratory Judgment purports to state claims for (a) Declaratory Judgment – Breach of Contract and (b) Declaratory Judgment – Improper Termination.

2. The Complaint was served on October 12, 2017.

3. Plaintiffs allege that the Housing Authority breached certain Section 8 Housing Assistance Payment Contracts (“HAP Contracts”), which are “drafted by [the United States Department of Housing and Urban Development (“HUD”)] [...]. 24 C.F.R. § 982.162(a)(2).” Complaint at ¶ 7.

4. Furthermore, Plaintiffs’ claims are based upon and require an interpretation of Section 8 HAP Contracts, various HUD regulations, including, *inter alia*, 24 C.F.R. §§ 982.162, 982.306 and 2 C.F.R. §§ 180.305, 180.995, and specific actions and instructions provided by HUD in connection with Plaintiffs’ HAP Contracts. Complaint at ¶¶ 7-9.

BASIS FOR JURISDICTION

5. This Court can exercise jurisdiction pursuant to 28 U.S.C. §§ 1331, and the Action may be removed pursuant to 28 U.S.C. §§ 1441 and 1446 because there exists federal question jurisdiction over Plaintiffs’ claims.

6. Federal question jurisdiction exists when a claim arises under a federal law. *See* 28 U.S.C. § 1331 (“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”); *see also, One and Ken Valley Housing Group v. Maine State Housing Authority*, 716 F.3d 218 (1st Cir. 2013)(finding that federal district court had subject matter jurisdiction over landlord’s suit against state housing authority for breach of HAP Contracts pursuant to 28 U.S.C. § 1331 and “federal ingredient jurisdiction”); *Evergreen Square of Cudahy v. Wisconsin Housing and Economic Development Authority*, 776 F.3d 463 (7th Cir. 2015)(holding that federal question jurisdiction existed in action brought by landlord that provided federally-subsidized housing against state housing authority,

alleging that the state housing authority breached housing assistance payments contracts, which were drafted by HUD).

REMOVAL PROCEDURE

7. Removal of the Action to this Court is appropriate because the Action is pending in Douglas County, Nebraska, a county within the geographic scope of the District of Nebraska. *See* 28 U.S.C. § 1441(a).

8. Defendants' Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of when the Housing Authority first received notice of the filing of the Complaint.

9. Defendants are providing notice of the filing of this Notice of Removal to the Plaintiffs. Defendants will also file a Notice of Filing of Notice of Removal with the District Court for Douglas County, Nebraska, promptly following the filing of the Notice of Removal with this Court. *See* 28 U.S.C. § 1446(d).

10. Defendant expressly reserves any and all rights, objections or defenses that Defendant may assert in response to the Complaint, including without limitation those under Rule 12 of the Federal Rules of Civil Procedure.

WHEREFORE, notice is hereby given that the Action is removed from the District Court for Douglas County, Nebraska, to the United States District Court for the District of Nebraska.

November 9, 2017

/s/ Brian Hansen

Brian C. Hansen #23793

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*Counsel for the Housing Authority of the City of
Omaha*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2017, a true and correct copy of the foregoing Notice of Removal was served via United States mail, First Class, postage prepaid, upon the following:

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Dated: November 9, 2017

/s/ Brian Hansen
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